App.F.IX.4]

1924.

File No. 274-24

Previous References. (Court)

No 11-22(24,28-32)

Serial Nos. 1–4

Later references.

Nos 28/5/26-28

Presume

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. four

Part B for December 1925

SUBJECT

Representation of certain Mukhtyars to formulate a scheme so as to allow them to continue their practice as usual

No P. 27608/2-12-25. To Messrs Narahari Rao Patel

States that the circular complained of has also re considered by a Bench of the High Court in CR Nos 214 of 24-25 and that it has also laid down that the said circular was not intended to take away such rights which the Mukhtyars in the State possessed

Munshi Umaji Gunjar
7/12/25

G. R. S. III—1] 1924-25

GENERAL AND REVENUE SECRETARIAT.

(G)

NOTES.

File No. 274.

FILE HEADING.

Representation of Messrs A Narahari Rao and others re the rights and status of Mukkhtears.

From

Messrs A Narahari Rao and others.

Petition No. | Dated 4.5.25 | Received 7.5.25.

Diary No. 4757. | Enclos. 2 — Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the recent circular of the Chief Court has totally prejudiced the interests of the Mukhtears in the State and prays for reasons given that ~~the Rule~~ Rules may be cleared to formulate a scheme so as to allow the Mukhtears to continue their practice as usual.

NOTES AND ORDERS.

From the enclosures to the petition it is seen that the Chief Judge in CR Revision Case no 99 of 24-25 remarked on 16.2.25 that no Mukhtears have any right to appear or present a petition for Complainant and that the Mukhtears

NOTES—First Sheet.

Serial No

Should not appear for accused in places where legal practitioners are available".

3) The petition is against this order.

2) The grounds of complaint are:

(1) The Mukhtears were in existence from a very long time - from 1-10 (the date in which the Legal-Practitioners Act came into existence

(2) The order of the Chief Judge is opposed to section 495 Criminal Procedure code

(3) This order spells a death blow to the Mukhtears as the Magistrate have refused audience to them

(4) It is nowhere stated that a Mukhtear should not practise where higher grade legal Practitioners are available.

(5) The Chief Judge has passed this order ex parte without hearing the Mukhtears

6) The order has totally prejudiced the interests of the Mukhtears in the State. In British India they are allowed to practice. In Pudukotah State they are recognised and they pray that like a scheme may be formulated so as to raise their status permanently.

3) The Chief Court may perhaps be consulted

4) Put with draft for order

12.5.25

Please obtain opinion of all the Circuit officers of the Court as to the desirability of granting the prayer.

16/5

16/5

NOTE—Con...

Serial No.

Ld. All the Circulars at Mukhtars are printed on page 5 and 6 Criminal Rules of Practice Vol I There are no E.O.'s on the subject

18/5/25
18/5

The There is also a recent Case on this Matter in the Ch-ch - Please note if this Circular was not withdrawn -

25
2/9

25
2/9

Ld.

It was ascertained that the order referred to by the Mukhtars has been countermanded and that a circular is under issue. The receipt of the circular may be awaited - yes. The proposed amendment Cr. Pro Code will redress the grievance.

18/9/25
11/9

(the Secy)
1st Sept

Secy
15/9
8/9
1579 Secy 15/9

4/12
16.9

Letter in Secy's consideration

9) Draft put up in Secy's
Perusal at A+

9/
25/9

8/ 21-9

(There has been considerable delay in this 3 months - in dealing with this Case)

Please furnish explanation for delay
8/ 21-9

Issue Secy
21/9

4757 1946 - 25

[App. F. III—2

General and Revenue Secretariat

Ls. File No. 276 of 1926

Serial No	
2	Home Regr Chief court No P. 1759 dt 30-9-25 forwards petition referred to in SL 1 for remarks.
3	From The Regr Chief court letter no D2 dis 58 dt 3-11-1925 States with reference to the representation of the Mukhtears to raise their status permanently that the Chief Court have nothing to add to what had already been stated in their letter dt 27. 3-1924 and that the circular complained of has been reconsidered by a Bench in criminal revision petition no 214/24-25 where it was laid down that the circular was not intended to take away the rights which Mukhtears in the State possessed under the Criminal procedure code and other circulars issued by the Chief court
12)	Noted with a draft for Circulation
	3/ 14/11/25 Asst Secy 16/11
13)	As no rules exists having the force of law are in operation now & as it is not known whether the amended Bill will be passed in the form proposed, it may be safer to omit the last para in the draft.
	Draft sent by Last post 4 approd by 27/4 Secy 28/11

Secy 16/4

Secy 24/11

657/25.11

NOTE—Contn. Sheet

General and Revenue Secretariat — No. File No. 2764 of 1924

Serial No	
4	To Messrs. A. Narahari Rao & others. No. P. 2780-9-2-12-25. I am to inform them that the circular cited has been reconsidered by a Bench of the High Court in Crl. Revision Pet. No. 214 of 24-25 and that it has been laid down that the said circular was not intended to take away such rights which Munsiffs in the State possessed under the Cr.P.C. and other circulars issued from time to time by the High Court.

B
4/12

4757
P 24

PETITION BOX
6/5/25

Before the Government of His Highness the Maharajah of Mysore.

Lt & Secy with Compliments

The humble memorial of C. A. Narah aris Pai & other legal practitioners (Mukteers) residing at No: 8 Hacinilas, Bull Temple Road, Basavapura Extension, Bangalore City.

The above memorialists beg to submit the following grievances praying that the generous Government will kindly consider the injury and injustice done to the poor, helpless, and unfortunate Mukteers, who are subjected to various hardships from the effects of the present learned Honorable Chief Judge's general Circular order No: 99 dated 16.2.25, in the matter of rights & status of Mukteers of the Mysore State and pass suitable orders:—

1. That the Legal Practitioner's Act XVIII of 1879 came into operation on 1.1.80. & in the authority of the above Act as practitioners

...r: 5 2] 14.1.13 C. can conduct prosecution with
133] 30.10.97 the permission of the Magistrate
...: 35 57] 4.1.911 Concerned.
1791
...ur vol: IX] 8.2.04 Under Sec: 4 "n" the term
...4 pr 102] Muktear has been fully
16 5 2 30.4.09 defined as one of the professions
40 2 3 open to conduct the prosecution
vol VII Page 14. or defence.
304 page 19
...w C.P. Code Further the Honorable Chief
Court issued the marginally
32 22-11-09 noted decisions protecting the
4 rights and status of Muktears
...ub decision Vide marginally noted nos. 1 to 5.
...no. 27 2/28.6.10 Under Sec: 346 C.P. Code
...w R X V Muktears have a right to
...ubject appeal:-
...ubai) 69
66 1. Vide vol: VI Bombay Law
...S. R 43 Reports page 14.
...S. R 324 2. I.L.R. I Madras 304 page 19
...w R 409/III. That the aforesaid Muktears
...lcutta 736 are proud of claiming and
...t 20: 5 hold enough to note that there
...VII of 1911. one Muktears have ever been
guilty of any improper or un-
professional conduct or mis-
or involved in disputes
to this date.

IV. That the whole Muktear
population feel quite assured
by the above general Circular
on that it spells a death blow
to the Existence of poor, helpless
& uninstructed Muktears of the
whole Province

[illegible] of the Justices of the Peace to be Judges in all the above Criminal Cases without any Jury, and to punish the Offenders by Fine and Imprisonment at their discretion.

II. That the Justices established in Criminal Places in the same Case as in other Places in Force, shall have Power and Authority to hear and determine in a summary Way, all Offences committed against any Law or Statute now in Force, or hereafter to be made, for the Punishment of Offenders in Criminal Causes, and to punish the Offenders by Fine or Imprisonment, or both, at their Discretion, as the Nature of the Offence shall require, and to bind over to the next Court of Oyer and Terminer, or General Gaol Delivery, such Offenders as they shall think fit.

III. That from the Sentence of the Justices in Criminal Places, there shall be no Appeal, but in Case of Murder, Treason, Rape, Sodomy, Buggery, Robbery, Burglary, Arson, Forgery, Counterfeiting Bills of Credit, Coin, or Seals, Piracy, Mutiny, Sedition, Conspiracy, Perjury, Subornation of Perjury, Bigamy, Polygamy, Witchcraft, Conjuration, Inchantment, Sorcery, Malicious Maiming, Poisoning, Wounding, Stabbing, Burning, Sacrilege, Blasphemy, Profanation of the Lord's Day, Drunkenness, Swearing, Cursing, Lewdness, Fornication, Adultery, Incest, Keeping Bawdy-Houses, Gaming, Keeping Gaming-Houses, Common Barratry, Forcible Entry, Riots, Routs, Unlawful Assemblies, Conspiracies, Misprisions, Contempts, Libels, Cheats, Conspiracies, Misprisions, Contempts, Libels, Cheats, Conspiracies, Misprisions, Contempts, Libels, Cheats

subject to such limitation as
the gracious Government in
the cognizance of the Honorable
Chief Justice may impose upon this class
of legal Criminal Practitioners
& shall to legalize the position
of the poor Muktears proposed
by the Honorable retired Chief
Judge Mr. P. Ramachandra Iyen

X. That it is not out of place
to bring to the kind notice of the
gracious Government that even
in the small State of Pudukota
the status of Muktears are
properly recognized and they
are subject to the Control
of the highest Judicial authority
in that State. Since that State
has followed the rules of Bengal
North Western Provinces Oudh
& Punjab Acts re-rights and
status of Muktears.

XI. That as the result of the
above Circular of the present
Honorable Chief Judge, totally
banished & drove away and
intelligent Muktears by numbers
(Krishnaswamy Naig of Tiptur
who is a Mysorean by birth and
has now domiciled and settled
down at Dharwar District
where he was fortunate enough
to secure the general Code in

For the foregoing reasons and others
we understand and hope that the generous
Government will not grudge giving
our poor Inktears will be
pleased to formulate a
permanent scheme to legalize
the position of poor Inktears
or allow them to continue their
practices as usual as of old
& thus render justice -

We beg to remain
Honored Sirs
Your most obedt. & humble
Servants

(Illegible)
Legal Cr: Practitioners
Inktears

Bangalore
4. 5. 25.

Revd. Lal Bahadur
Legal Practitioner

No. 638.

Office of the District Magistrate
Dharwar
Dated 4th April 1925.

Memorandum.

Permission is hereby granted to Mr. C. G. Krishna Rao to appear as a mukhtear in the Courts of the Magistrate of Navalgund Tukkik and Mungund Peta in Criminal Cases.

(Signed) J. Monteith
District Magistrate
Dharwar.

"Copy"

C. Krishna Rao.
Legal Practitioner.

Extract from the order in Cr: Rev: Case No 99 of 1925 on the file of Chief Court.

× × ×

Dated 16. 2. 25.

It is hereby ordered that no murtearrs have any right to appeal or present a petition for Complaints & that the murtearrs should not appear for accused in Cases where legal practitioners are available

× × ×

S/d. B. R. Plumer.
Chief Judge.

"Extract"

(Allen Chamberlain)
Legal Practitioner

App. F. VI-G1 1

SUBJECT

60

Section No

File No. 274-24

Serial No. 2

No. 9 1759
Petn with encls

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 192

To The Registrar Jehangir Ct

Date of issue 30.9.25

Signed by MR-CR C.

Sir

I am directed to forward herewith for favour of ~~a report and opinion~~ an urgent thereon the accompanying representation of Messrs A Narasimha Rao and others, Mukhtears together with its enclosures (to be returned when no longer required) requesting for reasons given that a definite scheme may be formulated so as to raise the status of the Mukhtears permanently.

I have etc

30/9

List of enclosure

Copied by

Examined by

Secy

12/5/25 12/5

JS 19164 1336.

1946 P 325

CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 3rd November 1925.

No. Jud. 589 / 25-6 Encl Petn with encls. In 274-24-3

GENL. & REVN. SECTION. Bg. 6 NOV. 1925 G. D. SECTION.

FROM

A. SREENIVASARAGAVACHARI, Esq., B.,A., B.L.,
Registrar, Chief Court of Mysore.

To

Nagappa, Esq., Bar-at-law,
Secretary to the Government,
Local and Legislative Departments,
B A N G A L O R E.

Sir,

I am directed to acknowledge the receipt of your letter No.P.1759/cts 274-24-2, dated the 30th September 1925, forwarding for the remarks of the Chief Court, the representation of Messrs. A. Narahari Rao and others, mukhtears requesting that a definite scheme may be formulated so as to raise the status of the mukhtears permanently, and in reply, to invite reference to my letter No.D, Dis.42 of 23-24 dated the 27th March 1924 and to Government Proceedings No.P.6174-82/cts.11-22-32 dated the 8th May 1924, on the subject and to state that the Chief Court has nothing to add to what has already been stated in my letter dated the 27th March 24, referred to above.

In this connection, I am to add here for the information of Government that the "General circular No.99 dated the 16th Feb., 1925", complained of which was a decision of a single judge of the Chief Court, has been reconsidered by a Bench in Criminal Revision Petition 214/24-25, where it has been laid down that the previous circular was not intended to take away such rights which mukhtears in the State possessed under the Criminal Procedure Code and

and other circulars issued from time to time by the Chief Court.

The enclosures received with your letter are returned herewith.

I have the honor to be

Sir,

Your most obedient Servant,

Hermina Rajender

Registrar. 4/11/25

APP. F. VI. Gl.]

SUBJECT.....

Section No

File No. 276-24

Seria No. 4

No. 2780

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 2/12/25

Signed by W. Cleg

Addressed to .....

Mr. A. Narahari Rao, No 8,

Hari Vilas Back Temple Road

Basawangudy. Bangalore

With reference to the memorial of 4-5-25 of certain Mukhtears, complaining that the circular nos 998 24-21 & 16-2-25 of the Chief Court has taken away their rights to practise in Criminal Courts, which is unjust and praying that a definite scheme may be formulated so as to raise the status of Mukhtears permanently, Mr. A Narahari Rao and other

over

List of enclosures.....

Copied by.....

Examined by.....

14

Members are informed [illegible]

It is as/learned that the [illegible]

Complaint of has been received

by a Bench of the Chief Court in criminal Revision

petition no 214/24 25 [illegible] and others.

It was then laid down that the

Jail Executive [illegible] was not

entitled to take money [illegible]

rights which [illegible] in him

State insofar as [illegible]

or the Procedure code [illegible]

[illegible] from time to time

by the Chief Court

As regards their recognition being placed on a

better basis, [illegible] suitable

States, the proposed amendments are proposed to be made in the bill

amend the Code of Criminal procedure, which

~~of Criminal Procedure Code~~

is engaging the attention of Govt.

~~with redress the grievances~~

~~It will recognises them and gives them~~

~~[illegible] a definite status.~~

B. O

Dy
27/11

Dr
Copy 16/4 for Library

14/11/25

16/11